

## **SUMMARY OF INTERVIEW**

### Attendees, Date and Type of Interview

A personal interview was conducted on May 20, 2009 and a subsequent telephone interview was conducted on June 10, 2009, both of which were attended by Examiner Ruth Ilan and Applicants representative, Michael Guiliana.

### Exhibits and/or Demonstrations

N/A

### Identification of Claims Discussed

Claims 1 and 9.

### Identification of Prior Art Discussed

Kosuge, Enokimoto, et, al, and Seto.

### Proposed Amendments

During the interview, Applicants representative proposed amending Claim 9 as set forth below, to recite differences in the spacing of certain portions of the first and second groups of the frame members. Additionally, Applicants representative suggested providing further clarifications to Claims 1, 6, and 7.

### Principal Arguments and Other Matters

During the interview, with regard to Claim 9, Applicants representative pointed out that none of the cited references teach or suggest a frame for an off-road vehicle having first and second groups of frame members with the relative spacings now recited Claim 9.

Also during the interview, with regard to Claims 1, 6, and 7, Applicants representative pointed out that none of the cited references teach or suggest a frame for an off-road vehicle including a removable frame member extending between portions of the vehicle frame extending laterally along the engine or "prime mover" of the vehicle. Additionally, Applicants representative pointed out that prior art references including load containers connected between left and right frame assemblies of off-road vehicles should not be considered "frame members". Rather, a load container can be mounted to a frame of an off-road vehicle in a manner that the load container

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does not provide additional strength to the frame. Instead, a load container can be mounted to the frame of an off-road vehicle in a way that provides some relative movement between the load container in the frame, for example, for the purpose of preventing distortions of the frame caused by off-road operation to be imparted to the load container.

As discussed during the interview, under the doctrine of disclosure by inherency, features of prior art references that are not expressly disclosed cannot be assumed to be present unless those features are **necessarily** present. A load container attached to the frame of an off-road vehicle does not **necessarily** act as a "frame member", such load containers of the various cited prior art references should not be considered as a "frame member" in the present claims. Further, as discussed during the interview, certain of the presently pending claims include an "load container". This is to provide an additional distinction in that where certain claims recite a "load container" a load container disclosed in a prior art reference cannot be relied on as teaching both a load container and a removable frame member.

#### Results of Interview

As a result of the personal interview, it was agreed that Claim 9, as amended above, appear to define over at the outstanding rejection. During the subsequent telephone interview, although no agreement was reached, Examiner Ilan indicated that she understood Applicants' position why Claims 38-49 define over the cited references.